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10/040,628

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Toshiya Waku

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06/17/2008

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EXAMINER

COBANOGLU, DILEK B

ART UNIT

PAPER NUMBER

3626

NOTIFICATION DATE

DELIVERY MODE

06/17/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| | | | |
|------------------------------|---------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/040,628 | Applicant(s) WAKU ET AL. | |
| | Examiner DILEK B. COBANOGLU | Art Unit 3626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18,19,21-30 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18,19,21-30 and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/9/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment received on 3/24/2008. Claims 18-19, 21-30 and 32-34 remain pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 18-19, 21-30 and 32-34 are rejected under 35 U.S.C. 102(b) as being unpatentable by Hendrickson et al. (hereinafter Hendrickson) (U.S. Patent No. 5,740,800).

A. Claim 29 has been amended now to recite a method of managing various works which are performed by using a plurality of medical equipments and that relate to at least one patient or at least one medical examination, the method comprising:

- i. generating a stream list which includes a plurality of stream information, the stream information being a flow of work processes

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performed in one work (Hendrickson; col. 2, lines 11-26, col. 4, lines 26-54);

ii. selecting a displayed work process (Hendrickson; col. 2, lines 11-26, col. 3, lines 9-19, col. 4, lines 26-54);

iii. updating the stream list on the basis of a progress situation of works selected by a select unit and performed in at least one of the plurality of medical equipments (Hendrickson; col. 3, lines 8-38); and

iv. displaying the updated stream list so as to share information of the medical examination and execute a centralized progress management of the work processes (Hendrickson; col. 3, lines 10-37, lines 56-67, figures 1 and 2).

B. Claim 30 has been amended now to recite the method according to claim 29, further comprising: controlling the at least one of the plurality of medical equipments to execute the selected work process (Hendrickson; col. 3, lines 8-37).

C. Claim 32 has been amended now to recite the method according to claim 29, further comprising transmitting the updated stream list to the plurality of medical equipments (Hendrickson; col. 3, lines 10-37, col. 6, lines 48-61).

D. Claim 33 has been amended now to recite the method according to claim 29, further comprising modifying the stream list on the basis of an input instruction (Hendrickson; col. 6, lines 48-61).

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E. Claim 34 has been amended now to recite the method according to claim 29, wherein in displaying the stream list, the stream list is displayed in such a manner so as to blind predetermined contents included in the stream list on the basis of a predetermined condition (Hendrickson; col. 5, lines 33-45).

F. Claim 24 has been amended now to recite a system comprising a host computer and a plurality of medical equipments and configured to manage various works which are performed by using at least one of the plurality of medical equipments and that relate to at least one patient or at least one medical examination, the host computer comprising:

- i. generate unit configured to generate a stream list which includes a plurality of stream information, the stream information being a flow of work processes performed in one work (Hendrickson; col. 2, lines 11-26, col. 4, lines 26-54);
- ii. a select unit configured to select a displayed work process (Hendrickson; col. 5, lines 32-65, col. 6, lines 20-24);
- iii. an update unit configured to update the stream list on the basis of a progress situation of works selected by the select unit and performed in the at least one of the plurality of medical equipments (Hendrickson; col. 3, lines 8-37, col. 6, lines 31-36, figures 1-2); and

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- iv. a first transmit unit which transmits the updated stream list to the at least one of the plurality of medical equipments via a network (Hendrickson; col. 3, lines 10-37, col. 6, lines 48-61); and
- v. the plurality of medical equipments comprising: a receive unit configured to receive the updated stream list from the host computer; and a display unit which displays the updated stream list so as to share information of the medical examination and execute a centralized progress management of the work processes (Hendrickson; col. 3, lines 8-37, col. 5, line 66 to col. 6, line 14).

G. As per claims 18-19, 21-23 and 25-28, they are system claims, which repeat the same limitations of claims 29-30, 32-34, the corresponding method claims, as a collection of elements as opposed to a series of process steps. Since the teachings of Hendrickson disclose the underlying process steps that constitute the methods of claims 29-30, 32-34, it is respectfully submitted that they provide the underlying structural elements that perform the steps as well. As such, the limitations of claims 18-19, 21-23 and 25-28 are rejected for the same reasons given above for claims 29-30, 32-34.

Response to Arguments

4. Applicant's arguments filed 3/24/2008 have been fully considered but they are not persuasive. Applicant's arguments will be addressed below in the order in which they appear.

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A. In response to Applicant's argument about Hendrickson does not teach "a display unit which displays the updated stream list so as to share information of the medical examination and execute a centralized progress management of the work processes"; Examiner respectfully submits that Hendrickson teaches "A medical information system manages clinical pathway order selection. The medical information system includes a medical database and a user terminal having a display screen. Clinical pathways are defined in the medical database. Each of the clinical pathways is associated with a patient condition and includes a sequence of time intervals and a plurality of clinical pathway order sets.(abstract), The medical information system is designed to provide patient information at the patient's bedside and elsewhere in a hospital. An example of a basic medical information system is shown in FIG. 1. The system uses a client-server architecture wherein a central server supplies data and controls the flow of information to workstations (clients) located at each patient bedside. The client-server architecture eliminates the need for database storage at each workstation. (col. 3, lines 8-37) and The physician orders display screen is typically accessed from the main menu of the medical information system. The system utilizes pull down menus having items which may be selected with a pointing device, such as a mouse or trackball, as is conventional in Windows-based systems. In a preferred embodiment, the physician orders display screen is selected

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from a sub-menu of the patient chart selection on the main menu. (col. 3, lines 56-67)".

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DILEK B. COBANOGU whose telephone number is (571)272-8295. The examiner can normally be reached on 8-4:30.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher L. Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

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for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. B. C./
Examiner, Art Unit 3626

/C Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626